

Amend Section 51296.3 of the Government Code to correct a referencing error.

Source: Legal Division

Each year, the Senate Local Government Committee authors a bill to correct problems with the state statutes that affect counties, cities, special districts, and redevelopment agencies, as well as the laws on land use planning and development. These problems are relatively minor and do not warrant separate (and expensive) bills. Among its provisions, last year's Local Government Omnibus Act of 2000 (SB 1350, Ch. 506, 2000), in effect January 1, 2001, repealed former Government Code Section 51296, which included subdivisions (a) - (o), and replaced that one section with Government Code Sections 51296 - 51297.4 (Farmland Security Zone). Before the enactment of SB 1350, the statute consisted of a single section with 15 separate subdivisions. SB 1350 simply redistributed the farmland security zone statute from one section into 15 sections without changing the statute's substance. Basically, each former subdivision of Section 51296 became a separate Government Code section, such as follows:

<u>Former Section</u>	<u>Current Section</u>
Section 51296, subdivision (a)	Section 51296
Section 51296, subdivision (b)	Section 51296.1
Section 51296, subdivision (c)	Section 51296.2
Section 51296, subdivision (d)	Section 51296.3
Section 51296, subdivision (e)	Section 51296.4
Section 51296, subdivision (f)	Section 51296.5
Section 51296, subdivision (g)	Section 51296.6

However, former Government Code Section 51296, subdivision (d)(2) referred to exceptions provided in its subdivision (f) or subdivision (g). When it was repealed and new section 51296.3 was added, the references to those subdivisions were not changed, so that now there are references to those subdivisions within Section 51296.3 that do not exist. Specifically, former Section 51296 (f) is now Section 51296.5, and former Section 51296 (g) is now Section 51296.6.

This proposal would simply correct the reference errors contained in Section 51296.3 in order to avoid confusion for taxpayers.

Section 51296.3 of the Government Code is amended to read:

51296.3. Notwithstanding any provision of the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000)), a local agency formation commission shall not approve a change of organization or reorganization that would result in the annexation of land within a designated farmland security zone to a city. However, this subdivision shall not apply under any of the following circumstances:

(a) If the farmland security zone is located within a designated, delineated area that has been approved by the voters as a limit for existing and future urban facilities, utilities, and services.

(b) If annexation of a parcel or a portion of a parcel is necessary for the location of a public improvement, as defined in Section 51290.5, except as provided in ~~subdivision (f)~~ Sections 51296.5 or (g) 51296.6 ~~of this section.~~

(c) If the landowner consents to the annexation.